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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,334	02/23/2004	Enrique Travieso	074869-0014	8709

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MCDERMOTT WILL & EMERY LLP
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WASHINGTON, DC 20005-3096

EXAMINER

VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
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2178

MAIL DATE	DELIVERY MODE
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05/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/784,334		TRAVIESO ET AL.	
	Examiner		Art Unit	
	Gregory J. Vaughn		2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Action Background

1. This action is responsive to the Request for Continued Examination filed on 4/4/2007.
2. With this response, no claims were amended. Claims 1-21 were previously canceled in the Preliminary amendment filed 3/23/2005. Claims 22-48 were previously canceled and claims 49-82 were added in the amendment filed 9/27/2007.
3. Claims 49-82 are pending in the case, claims 49, 60, 61, 70 and 74 are independent claims.
4. A request for continued examination filed under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after a final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action (dated 12/12/2006) has been withdrawn pursuant to 37 CFR 1.114.

Priority

5. As previously noted, applicant's claim for domestic priority of US provisional application 60/449,571 filed 2/21/2003, under 35 U.S.C. 119(e) is acknowledged.

Specification

6. As previously noted, the lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

"The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention."
8. Claims 52, 75-77, 78 and 80-82 remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the

Art Unit: 2178

inventor(s), at the time the application was filed, had possession of the claimed invention.

9. **Regarding claim 52**, the amendment filed 9/27/2006 adds the following limitation: "*translation list*". The examiner has reviewed the originally filed specification, and has failed to find support for the added limitations. Applicant is required to cancel the new matter in response to this office action.
10. **Regarding claims 75-77**, the amendment filed 9/27/2006 adds the following limitation: "*obtaining tracking information corresponding to a source*" (claim 75), "*utilizing tracking information*" (claim 75), "*tracking information includes at least one of state information or session information*" (claim 76) and "*tracking information is obtained via a cookie*" (claim 77). The examiner has reviewed the originally filed specification, and has failed to find support for the added limitations. Applicant is required to cancel the new matter in response to this office action.
11. **Regarding claim 78**, the amendment filed 9/27/2006 adds the following limitation: "*HTML form*". The examiner has reviewed the originally filed specification, and has failed to find support for the added limitations. Applicant is required to cancel the new matter in response to this office action.
12. **Regarding claims 80-82**, the amendment filed 9/27/2006 adds the following limitation: "*generating statistics for the image file*". The examiner has reviewed the originally filed specification, and has failed to find support for the

Art Unit: 2178

added limitations. Applicant is required to cancel the new matter in response to this office action.

Claim Rejections - 35 USC § 101

13. 35 U.S.C. 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title."

14. Claims 61-69 remain rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

15. **Regarding claims 61-69**, the claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of § 101. They are clearly not a series of steps or acts to be a process, nor are they a combination of chemical compounds to be a composition of matter. As such they fail to fall within a statutory category. They are, at best, functional descriptive material, *per se*.

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."

17. Claims 49-82 remain rejected under 35 U.S.C. 102(e) as being anticipated by Lakritz US Patent 6,526,426, filed 1/28/1999, patented 2/25/2003 (hereinafter Lakritz).

18. **Regarding independent claim 49**, Lakritz discloses generating statistics that characterize content for language translation. Lakritz recites: *"The UsageLog contains a summary of country and language statistics"* (column 15, lines 47-48).

Lakritz discloses accessing web content in a first language. Lakritz recites: *"When a document is requested in a particular language, WebPlexer will go to that cell of the matrix and try to retrieve the corresponding document"* (column 36, lines 28-30) and *"This application integrates a machine translator in the end user's Web browser"* (column 1, lines 24-25). Lakritz discloses parsing

the content into components. Lakritz recites: "*The parser converts the document into the internal format*" (column 10, lines 14-15).

19. **Regarding claim 50**, Lakritz discloses sizing the content for language translation. Lakritz recites: "*The input manager template file has the following format: <FIELD-LIST> <field1>::L <field2>::L ... <fieldn>::L <LIST_END>; where <FIELD_LIST> and <LIST_END> are required tokens and the remaining lines list the field names used in the HTML form. The `::L` at the end of each line is required. For example, if an input field in an HTML form were coded as: <INPUT TYPE=\"text\" NAME=\"phone\" SIZE=40 VALUE=\"\">; the matching line in the template file would be phone::L*" (column 35, lines 37-56).
20. **Regarding claim 51**, Lakritz discloses human translation. Lakritz recites: "*These translation resources include both automated translation tools as well as human translators*" (column 2, lines 34-36).
21. **Regarding claim 52**, Lakritz discloses placing translatable components into a translation list in Figure 6 at reference signs 602 and 604 (shown as a "*Translation Queues*" and "*Workflow Pipeline*").
22. **Regarding claim 53**, Lakritz discloses at least two different languages, where the languages are at least English or French in Figure 12 at reference signs 1210 and 1211.

23. **Regarding claim 54**, Lakritz discloses accessing web content in a first language from a source in a first language. Lakritz recites: "*When a document is requested in a particular language, WebPlexer will go to that cell of the matrix and try to retrieve the corresponding document*" (column 36, lines 28-30) and "*This application integrates a machine translator in the end user's Web browser*" (column 1, lines 24-25).
24. **Regarding claim 55**, Lakritz discloses the components as at least a text segment. Lakritz recites: "*The invention utilizes an intuitive user interface for managing document translation for multilingual Internet Web sites, documents, data streams, and non-text files*" (column 2, lines 12-14).
25. **Regarding claim 56**, Lakritz discloses generating a unique identifier for each of the components. Lakritz recites: "*The master language is used to index into the TermDB using a key. The key is obtained from the string contained between <!--WPreplaceBegin -- > and <!--WPreplaceEnd --> tags*" (column 27, lines 13-15). As is well known in the database art, indexes and keys are used as unique identifiers within a database. Lakritz discloses storing the component and the unique identifier together. Lakritz recites: "*The Web server stores all of the translated Web pages locally*" (column 1, lines 32-33).
26. **Regarding claim 57**, Lakritz discloses the use of mathematical algorithm for generating a unique identifier. As described above Lakritz discloses the use of indexes and keys. Indexes are implemented with a scalar value where

an offset amount is used to identify subsequent indices. An offset amount used with a scalar value is a mathematical algorithm.

27. **Regarding claim 58**, Lakritz discloses the statistics as at least a text segment count as described above.

28. **Regarding claim 59**, Lakritz discloses parsing as described above. It is well known in the markup language arts that parsing is based upon the markup language tags.

29. **Regarding claims 60-74 and 79**, the claims are directed to a method, system and medium for the method of claims 49-59, and are rejected using the same rationale.

30. **Regarding claims 75-77**, Lakritz discloses the use of tracking information. Lakritz recites: "It would further be advantageous to provide a translation management system that allows the user to easily manage, schedule, and track translation resources and the content that are sent to the translation resources, thereby enhancing the maintainability of the system as a whole" (column 2, lines 3-9). Lakritz discloses using state and session information. Lakritz recites: *"In the following description, the term "session" refers to a logical grouping of requests between browser and WebPlexer. A session begins with the browser making a request for the top-level URL. It ends with the final response being sent from WebPlexer to the browser. A session can have any number of request/response pairs between these two*

endpoints. A session has a state associated with it. Included in this state are the country and language of the requester" (column 22, lines 44-53).

31. **Regarding claim 78**, Lakritz discloses using an HTML form. Lakritz recites: *"The Visitor module intercepts input text that is submitted using an HTML form (e.g., a customer feedback form), and writes it into a form database 205"* (column 4, lines 12-14).

32. **Regarding claims 80-82**, Lakritz discloses processing image files. Lakritz recites: *"Another application of MLSSI is to include language-specific graphics or image maps within a template file"* (column 39, lines 20-21).

Response to Arguments


33. The response filed 4/4/2007 lacks applicant arguments. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

Conclusion

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gregory J. Vaughn
Patent Examiner
April 30, 2007